

Court Bars Senate Unit's Subpoena For Data on Left-Wing Organization

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For the second time in its history, the U.S. Court of Appeals here yesterday blocked a subpoena issued by a congressional committee seeking information about the operation of a left-wing organization.

In a brief order, the court indefinitely stayed a subpoena issued to Thomas W. Sanders, editor of a Berkeley Calif., publication called "Black Politics," by Sen. John McClellan's Permanent Subcommittee on Investigations.

The subpoena, which ordered Sanders to appear today, sought a wide array of data, but focussed on the identity of "George Prosser," pseudonym for the author of several articles in the publication.

Lawyers for Sanders argued that requiring him to reveal the names of the authors appearing in "Black Politics" and some of his confidential sources of information would violate freedom of the press.

The Court of Appeals gave no reason for stopping the subpoena, but said it wished to consider the issues raised

more fully. The order was signed by Judge J. Skelly Wright and senior Judge Charles Fahy.

In June, a different panel of the court blocked a subpoena issued for bank records of the United States Serviceman's Fund, an antiwar group, by the Senate Internal Security Subcommittee.

The USSF contended its contributors would be intimidated by having their identities revealed to a Senate committee. The case is still before the appeals court for a final determination.

Courts have historically been most reluctant to intervene in the activities of Congress. The USSF case set a major precedent for temporary delays when persons subpoenaed can convince the court that their constitutional rights are imperiled.

The issues in the Sanders case, which is backed by the American Civil Liberties Union, are similar to those raised by newspapermen objecting to orders that they turn over their notes to grand juries.

Gerald Stern, Sanders' lawyer, argued that since the First Amendment is at stake, a full hearing is necessary to determine whether a "compelling governmental interest" outweighs the constitutional protection of information.

Black Politics, a little-known magazine which apparently suspended publication, calls itself an "independent journal whose purpose is to provide a forum for vanguard theories and ideas that deal with currently curcial issues."

The magazine states it is antiwar and is part of the "black liberation movement." Its policy of publishing articles by anonymous authors, Stern wrote in court papers, is like that of many newspapers that omit the names of persons who write letters to the editor.

Bishop Is Retiring

VATICAN CITY, Aug. 4 — Pope Paul has accepted the request of Msgr. Walter A. Foery, 80, bishop of Syracuse, N.Y., to retire for reasons of old age, the Vatican announced today.